

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

The applicant would like to thank Examiner Devon Kramer for the courtesies extended to applicant's representative during a personal interview. Applicant would also like to thank the Examiner for the early indication of allowable subject matter made during the interview.

The specification has been amended to update the bibliographic information of the related and co-owned application, U.S. patent application number 10/ 730,282. Applicant believes that this amendment overcomes the Examiner's objection to the specification.

The title has been amended to maintain consistency with the Declaration and the Assignment.

Claims 3 and 20 were rejected 35 U.S.C. §112, second paragraph, as being indefinite. Claims 3 and 20 have both been amended to clarify the relationship between the disk axis and the rear wheel axis. Applicant believes that the amendments made to claims 3 and 20 overcome the indefiniteness rejection.

Claims 1-11, 13-17, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Watanabe (U.S. patent number 4,719,984) with further clarification by Wilcox (U.S. patent number 5,590,998), claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe in view of Suzuki (U.S. patent application number 2003/ 0029665), and claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe in view of Maeda et al. (U.S. patent application number 2004/ 0140146).

During the interview, the Examiner and applicant's representative discussed various different claim limitations. Through the course of those discussions, the Examiner and application's representative came to an agreement regarding certain

features and limitations that would render the claims patentable over the prior art. The Examiner agreed that three separate points of novelty would each render their respective claim allowable. These features and limitations are generally noted in the Examiner's Interview Summary. These three separate points of novelty have been incorporated into respective independent claims, 1, 7 and 16.

The Examiner indicated that if the claims were amended in a manner consistent with the subject matter discussed during the interview, all of the independent claims would be allowable over the prior art. Applicant has amended the independent claims to include the limitations discussed during the interview.

Specifically, claim 1 has been amended to recite a "drive shaft disposed outward of the rear wheel." As discussed during the interview, Watanabe fails to teach or render obvious a drive shaft that is disposed outward of any rear wheel. Watanabe teaches a centrally located drive shaft 33 that is contained within protective housing 34. See column 3, lines 33-45. The central drive shaft 33 of Watanabe is centrally located and is inward of both rear wheels.

Claim 7 has been amended to recite that "the rear wheel rotates about the rear axle is substantially aligned with a seat." Watanabe generally teaches a four wheel off road vehicle. Because of the wheel layout taught by Watanabe, the two rear wheels 21 are disposed laterally outward of seat 24. See Figure 2 and 3 of Watanabe. This four wheel layout prevents a rear wheel from being aligned with a seat and Watanabe fails to teach or render obvious this limitation.

Claim 16 has been amended to recite "wherein the rear wheel assembly consists essentially of a single rear wheel." This partially closed limitation limits the rear wheel assembly to a single rear wheel. Watanabe clearly teaches at least two rear wheels, as shown in Figures 2 and 3, and fails to teach or render obvious this limitation.

Because all of the independent claims 1, 7 and 16 are allowable, and because all of the dependent claims 2-6, 8-15 and 17-20 include all of the limitations of the allowable

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independent claims, all of the dependent claims are allowable for the same reasons as their respective independent claims.

In view of the foregoing, all of the pending claims in this application are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for allowance, the Examiner is encouraged to contact applicant's representative at the number listed below.

Respectfully submitted,

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